

**STATE BOARD OF FUNERAL AND CEMETERY SERVICE BOARD MEETING
THURSDAY FEBRUARY 5, 2015
INDIANA GOVERNMENT CENTER SOUTH
402 W WASHINGTON STREET, ROOM W064
INDIANAPOLIS, IN 46204**

CALL TO ORDER

The meeting was called to order at 11:10 a.m. by Theodore Mau, pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

BOARD MEMBERS PRESENT: Theodore Mau, Chairman
Samuel Frain, Vice Chairman
Donald Alford
Robert Loose
Thomas Sproles
Christopher Cooke
Roland Cutter

BOARD MEMBER ABSENT: Tasha Smith, State Department of Health

STATE OFFICIALS PRESENT: Tracy Hicks, Board Director
Rae Harman, Assistant Board Director
Kevin McDowell, Deputy Attorney General
Donald Hannah, Deputy Attorney General

ADOPTION OF THE AGENDA

The agenda was adopted as amended.

Sproles/Cooke
7/0/0
Motion carried.

ADOPTION OF THE MINUTES OF DECEMBER 5, 2014, MEETING OF THE BOARD

A motion was made and seconded to approve the minutes of the December 5, 2014 meeting.

Cutter/Frain
7/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL REPORT

Written complaint statistic report provided.

CONSIDERATION OF REQUEST TO REDUCE CIVIL PENALTY IN THE MATTER OF HOWARD JAMES RAINEY, SBFCS 14-06

A motion was made and seconded to reduce the civil penalty to a total of \$1500.00 at a rate of \$100.00 per month until paid in full.

Cutter/Frain
5/0/2
Motion Carried.

ADMINISTRATIVE HEARING IN THE MATTER OF CLARK-O'NEAL FUNERAL HOME, FH10400018, SBFCS 14-17

A motion was made and seconded to extend the summarily suspension for ninety (90) days and require Respondent to provide preneed documents requested by the Office of the Attorney General within one week of the date of the Order pursuant to IC 30-2-12.. Mr. Alford abstained from the proceedings.

Sproles/Cooke
6/0/1
Motion carried.

ADMINISTRATIVE HEARING IN THE MATTER OF RUSSELL A. KRAFT, FD29300105, SBFCS 14-08 AND KRAFT FUNERAL AND CREMATORY, INC., FH10000005 & CA20500007, SBFCS 14-09

A motion was made and seconded to hold Respondents in Default.

Frain/Cutter (14-08)
5/0/2
Motion carried.

A motion was made and seconded to hold Respondents in Default.

Frain/Cutter (14-09)
7/0/0
Motion carried.

A motion was made and seconded to revoke the license, require restitution to the consumers in the amount of the death benefits plus interest compounded annually on the United States Treasury Securities for the month of January of each year to be paid within ninety (90) days, impose the \$5 fee to the health records and personal identifying information protection trust fund, impose the costs of proceedings, and require the preneed files be sent to the Indiana Professional Licensing Agency within seven (7) days.

Frain/Alford (14-08)
5/0/2
Motion carried.

A motion was made and seconded to revoke the license, require restitution to the consumers in the amount of the death benefits plus interest compounded annually on the United States Treasury Securities for the month of January of each year to be paid within ninety (90) days, impose the \$5 fee to the health records and personal identifying information protection trust fund, impose the costs of proceedings, and require the preneed files be sent to the Indiana Professional Licensing Agency within seven (7) days.

Frain/Alford (14-09)
7/0/0
Motion carried.

ADMINISTRATIVE HEARING IN THE MATTER OF CHARLES DEWAYNE ROX, FD20900039, SBFCS 14-13 AND GRINSTEINER FUNERAL HOME – ALPHA FUNERAL SERVICE, FH10600023, SBFCS 14-12

A motion was made and seconded to hold Respondents in Default.

Sproles/Cutter (14-13)
5/0/2
Motion carried.

A motion was made and seconded to suspend the license with no right to request reinstatement for a period of 90 days in the matter of Charles Dewayne Rox, FD10600023, SBFCS 14-12.

Frain/Sproles (14-13)
5/0/2
Motion carried.

A motion was made and seconded to revoke the license in the matter of Grinsteiner Funeral Home-Alpha Funeral Home, FH10600023, SBFCS 14-12.

Frain/Sproles (14-13)
5/0/2
Motion carried.

ADMINISTRATIVE HEARING IN THE MATTER OF JERRY TRAPP, FD01004869, SBFCS 14-01

A motion was made and seconded to grant the Motion to Continue.

Loose/Alford
5/0/2
Motion carried.

ADMINISTRATIVE HEARING IN THE MATTER OF RUSSELL & HITCH FUNERAL HOME, FH83006693, SBFCS 14-15

A motion was made and seconded to grant the Motion to Continue.

Loose/Alford
7/0/0
Motion carried.

ADMINISTRATIVE HEARING IN THE MATTER OF RUSSELL & HITCH, FH83004154, SBFCS 14-16

A motion was made and seconded to grant the Motion to Continue.

Loose/Alford
7/0/0
Motion carried.

PERSONAL APPEARANCES AND CONSIDERATION OF APPLICATION FOR LICENSE

Rodney Ray Bracken, Application for Funeral Director License

A motion was made and seconded to issue a funeral director license on indefinite probation with no right to petition for reinstatement until released from criminal probation.

Frain/Loose
5/0/2
Motion carried.

Anthony J. Parada, Application for Funeral Director License by Reciprocity

A motion was made and seconded to approve the application.

Loose/Cutter
5/0/2
Motion carried.

PERSONAL APPEARANCES AND CONSIDERATION OF APPLICATION FOR LICENSE RENEWAL

Cresthaven Funeral Home, Application for Certificate of Authority and FH11100002

A motion was made and seconded to grant issuance of a certificate of authority on indefinite probation and renew the funeral home license on indefinite probation, require filing of all past due certificate of authority reports along with payment into the preneed consumer protection fund, and require completion of the Indiana Funeral Directors Association crash review course. Upon completion of the aforementioned the funeral home may file a petition for modification of probation.

Frain/Sproles
7/0/0
Motion carried.

Glazebrooks Funeral Home, CA20600089

A motion was made and seconded to grant renewal of the certificate of authority on indefinite probation pending filing corrected disclosure forms and payment into the preneed consumer protection fund for contracts sold in the calendar years 2009 through 2013 and annual report for fiscal year 2014 and require completion of the Indiana Funeral Directors Association crash review course. Upon completion of the aforementioned the funeral home may file a petition for modification of probation.

Frain/Cutter
5/0/2
Motion carried.

Anthony E. George, FD01018719

A motion was made and seconded to grant renewal on indefinite probation. Probation will be removed upon filing proof of completion of the Indiana Funeral Directors Association crash review course.

Frain/Sproles
5/0/2
Motion carried.

Kristen Jon Denney, FD20300009

A motion was made and seconded to approve renewal on indefinite probation. Licensee may petition for modification of probation upon completion of criminal probation.

Frain/Loose
5/0/2
Motion carried.

Michael J. McKee, FD01015892

A motion was made and seconded to deny the application for renewal.

Alford/Sproles
4/0/2

Motion carried.

Bradley E. Tucker, FD21100003

A motion was made and seconded to approve the application.

Alford/Sproles
4/0/2
Motion carried.

Terry Warner, FD20400086

A motion was made and seconded to deny the application for renewal for failure to appear.

Frain/Loose
4/0/2
Motion carried.

APPLICATIONS FOR LICENSE RENEWAL

Jeffrey D. Pearce, FD20100067

A motion was made and seconded to approve pending submission of correct education hours.

Frain/Alford
4/0/2
Motion carried.

Julie Leedy-Ressett, FD29600055

A motion was made and seconded to deny the application for failure to provide proof of continuing education.

Sproles/Cutter
6/0/2
Motion carried.

VERIFIED COMPLAINT REQUESTING RESTITUTION FROM THE PRENEED CONSUMER PROTECTION FUND

A. Sanders Funeral Care for Phyllis L. Gossett

Re: Hall Funeral Home, FH10000108 (Closed)

A motion was made and seconded to approve the request in the amount of \$12344.82 only because the funeral home requested restitution rather than the family.

Sproles/Alford
6/0/0
Motion carried.

B. Shirley & Stout Funeral Home for Naomi Glyndora Thiesing

Re: McCullan Funeral Home, FH83007194 (Closed)

A motion was made and seconded to deny the request due to lack of proof of payment.

Frain/Loose
6/0/0
Motion carried.

DISCUSSION OF THE APRIL BOARD MEETING

It was the consensus of the board to reschedule the April 13, 2015 board meeting to April 2, 2015.

REVIEW OF CONTINUING EDUCATION SPONSORS AND COURSES

A motion was made and seconded to approve the following sponsors/courses.

Frain/Sproles
4/0/2
Motion carried.

NEW COURSES FROM PREVIOUSLY APPROVED SPONSORS

Aurora Casket Company, CE10800648

- Beer, Barbecue and The Beatles, Ongoing, 2 CEUs
- We Have the Same Customer, Ongoing, 2 CEUs

Batesville Casket Company, CE10800652

- Avoiding the 5 Mistakes Funeral Homes Make with Technology, April 23, 2015, 2 CEUs
- Teching the Families You Serve about the Value of Elements of Meaningful Funerals, April 23, 2015, 3 CEUs

D.O. McComb & Sons, Inc., CE10800689

- Enhancing Your Understanding of the Depression of Grief, April 22, 2015, 5 CEUs

The Dodge Company, CE10800649

- The Dodge Technical Seminar 2015, April 15-16, 2015, 9 CEUs

Epsilon Nu Delta Mortuary Fraternity Inc., CE10800703

- Evolving Funeral Service, March 25, 2015, 1 CEU
- Your Service, Your Brand, March 25, 2015, 1 CEU
- Embalmers as a Preceptor, March 25, 2015, 1 CEU
- Embalming Opportunities, March 25, 2015, 1 CEU

Federated Funeral Directors Association, CE10800706

- Regional Meeting "Back to Basics," May 28, 2015, 8 CEUs

Indiana State Coroners Training Board, CE21200008

- Medicolegal Death Investigators Course, February 6-8, 2015 & February 20-22, 2015, 40 CEUs

International Cemetery, Cremation & Funeral Association, CE10800864

- ICCFA Annual Convention & Exposition, April 8-11, 2015, 16.5 CEUs

International Order of the Golden Rule, CE10800865

- Making Aftercare Work for You: Strategic Steps to a More Successful Program, February 19, 2015, 1 CEU
- Customization – Unlimited Choices for Families, July 9, 2015, 1 CEU
- Beyond the Basics of Facebook: Advertising – All You Need to Know to Reach Your Families,

September. 24, 2015, 1 CEU

National Funeral Directors & Morticians Association, Inc., CE10800785

- 2015 Enrichment & Leadership Summit, February 8-9, 2015, 2 CEUs
- 2015 Annual House of Representatives Meeting, April 28-22, 2015, 6 CEUs (The On the Banks of the River: Lunch & Learn two (2) hour portion of the course is not approved because they are serving food during that portion of the course.)

Newcomer Funeral Service Group, CE21200017

- Understanding Your Grief: Touchstones for Hope and Healing, April 14, 2015, 1.6 CEUs
- Enhancing Your Understanding of the Depression of Grief, April 15, 2015, 2.5 CEUs

Ohio Cemetery Association, CE21400013

- Crematory Operator Certification Program, March 26, 2015, 7 CEUs
- Advanced Crematory Operations Program, March 27, 2015, 7 CEUs

Ohio Funeral Directors Association District 1, CE20800910

- OSHA Update, February 18, 2015, 2 CEUs
- Restorative Arts & Airbrush Techniques, April 15, 2015, 8 CEUs

Selected Independent Funeral Homes, CE10800819

- 2015 Spring Management Summit, April 29 – May 1, 2015, 7.5 CEUs

Wabash Valley Funeral Directors Association, CE21400020

- Advanced Embalming Challenges, TBD, 3 CEUs
- American with Disabilities Act, TBD, 2 CEUs
- Clark Grave Vault Product Education, TBD, 1 CEU
- Tissue Donation, TBD, 2 CEUs
- Bringing Home out Military, TBD, 2 CEUs
- Information Technology and Products, TBD, 3 CEUs

NEW APPLICATIONS FOR RECOGNITION AS A SPONSOR OF CONTINUING EDUCATION

Ferris Consulting Group, Dr. Gregory Ferris

- Making a Culture Shift in the Workplace, TBA, 3 CEUs

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 3:17 p.m.